sense a joint promisor; and hence he should be liable for interest only from the time he is required to make payment and fails to do so. The distinction referred to, however, is not observed by the authorities.

In *Bank of Brighton* v. *Smith,* 12 Allen (Mass.) 243, 90 Am. Dec. 144, a surety was held not liable for interest till demand because his "undertaking by its express terms was not that of a joint promisor." The words quoted draw the distinctions referred to above as that which should be observed on principle.

TAXATION—REMEDY AT LAW—ILLEGAL TAXES.—In a suit to enjoin the collection of a municipal tax on personalty, which was alleged to be illegal on the ground of non-residence of the plaintiff, it was *Held,* the remedy at law is inadequate, since an action to recover taxes lies only where they have been paid under duress of goods and the officer could avoid this remedy by bringing an action at law for the taxes instead of distraining, and injunction is the proper remedy. *City of Lancaster* v. *Pope* (Ky.), 160 S. W. 509.

This reasoning is hardly satisfactory, for it does not appear that the illegality of the tax could not be set up in the action by the collector, thus affording an adequate remedy at law. And the same court in *Gates* v. *Barrett,* 79 Ky. 295 (cited in the principal case), bases the doctrine on the alleged principle that the officer, acting in good faith and under color of right is justified by his process, and is not liable as a trespasser. See *ante,* p. 87.

TORTS—INJURY TO ANOTHER'S BUSINESS.—The defendant engaged in business, not for his own pleasure and profit but simulated competition for the sole purpose of maliciously injuring plaintiff. *Held,* actionable. *Boggs* v. *Duncan-Shell Furniture Co.* (Iowa), 143 N. W. 482.

Formerly it was stated to be the general rule that an act legal in itself cannot be rendered actionable by the motive which induced it. *Guethler* v. *Altman,* 26 Ind. App. 587, 60 N. E. 355, 84 Am. St. Rep. 313

But the common law grows and adapts itself to changing conditions, and competition of the character simulated in the principal case is, according to the trend of modern authority, actionable provided malice obtains. *Dunshee v. Standard Oil Co.,* 152 Iowa 618, 132 N. W. 371, 36 L. R. A. (N. S.) 263; *Tuttle* v. *Buck,* 107 Minn. 145, 119 N. W. 946, 22 L. R. A. (N. S.) 599, 131 Am. St. Rep. 446, 16 A. & E. Ann. Cas. 807; *W. Va. Trans. Co.* v. *Standard Oil Co.,* 50 W. Va. 611, 40 S. E. 591, 56 L. R. A. 804, 88 Am. St. Rep. 895.

The only practicable objection that can be raised to these decisions which morally are most expedient, is that they give business men the opportunity of invoking the powers of the courts to search the motives of rivals and competitors. But this objection, even if it amounts to anything, ought not to cause alarm.

WILLS—PRESUMPTIONS—ALTERATIONS.—An unexplained alteration appeared on the face of a will offered for probate. *Held,* it is presumed to

have been made before execution. *In re Easton's Will,* 145 N. Y. Supp. 373. See NOTES, p. 474.

WITNESSES — CORROBORATION — PRIOR STATEMENTS. — The testimony of witness was impeached on the ground that the witness was actuated by motives of self-interest. Evidence was offered to show that he had made prior consistent statements before such motives could have arisen. *Held,* the evidence is admissible. *People* v. *Katz* (N. Y.), 103 N. E. 305. See NOTES, p. 479.